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COMMITTEE ON THE RIGHTS OF THE CHILD

Fourth session

SUMMARY RECORD OF THE SECOND PART (PUBLIC)*
OF THE 77th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 21 September 1993, at 11.50 a.m.

Chairman: Mrs. BADRAN

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* The summary record of the first part of the meeting appears as document CRC/C/SR.77.

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The public meeting was called to order at 11.50 a.m.

REVIEW OF DEVELOPMENTS RELEVANT TO THE WORK OF THE COMMITTEE (agenda item 6)

1. Mrs. SANTOS PAIS said that first of all it was important to note that the re-election of four members of the Committee by the States parties indicated the importance they attached to continuity in the work in hand as well as to the team spirit shown by the Committee. Furthermore, the increasing number of ratifications and accessions to the Convention had constituted a record unprecedented in the history of the human rights instrument.

2. In their resolutions relating to implementation of the Convention on the Rights of the Child, the General Assembly and the Commission on Human Rights recognized the role and important functions of the Committee. The Commission on Human Rights had, moreover, expressed concern over the increasing workload of the Committee; the World Conference on Human Rights had also recommended that the Committee should be given the means to carry out its mandate effectively. It was thus imperative at the present stage for the Committee to suggest ways to cope with its increasing workload, in order not to disappoint the hopes raised by the Convention. In the same context, the World Conference and the Meeting of Chairpersons and Members of International Human Rights Treaty Bodies had emphasized the need to ensure that the Centre for Human Rights had the proper means to carry out its various tasks, including those associated with the work of international treaty bodies.

3. In addition, the Commission on Human Rights had noted with interest the methods of work established by the Committee, in particular the adoption of an urgent action procedure. In that regard, it should be noted that other human rights treaty bodies, such as the Human Rights Committee and the Committee on the Elimination of Racial Discrimination had also set up urgent action procedures.

4. The Meeting of Chairpersons and Members of International Human Rights Treaty Bodies had recalled at Vienna that international monitoring of the obligations arising under international instruments was incomplete unless accompanied by adequate follow-up measures. Those measures should include widespread dissemination of the results of the dialogue between the State party and the relevant treaty body, the provision of technical assistance to States in order to enable them to address specific needs which emerged from the examination of their reports and, where appropriate, visits by the treaty body, or its representatives, to the State concerned as a follow-up function. That was the context in which the Committee had held informal meetings at regional level and was considering follow-up visits to countries whose reports had already been considered.

5. The Vienna Statement on the International Human Rights Treaty Bodies (A/CONF.157/TBB/4) reaffirmed that failure to report as required constituted a violation of international obligations. It also emphasized the need to adopt measures to promote better coordination among the various bodies. To that end it had, for example, recommended that the Centre for Human Rights should

establish a Documentation and Information Unit. In the same way, the World Conference on Human Rights had recommended to the human rights treaty bodies that they study the suggestion that the submission of one overall report on treaty obligations undertaken by each State would make those reporting procedures more effective and increase their impact. Similarly, the interaction between the Committee and the other treaty bodies had been reaffirmed in various resolutions adopted by the Commission on Human Rights such as those on the Programme of Action for the Elimination of the Exploitation of Child Labour (resolution 1993/79), human rights and extreme poverty (1993/13) and the mandate of the Special Rapporteur on the sale of children, child prostitution and child pornography (1993/82). However, to ensure effective interaction, the Committee would need to be kept informed of the measures taken by the other human rights treaty bodies, and the Committee's work would need to be brought to the attention of the other bodies. The fact that the report of the Committee's third session had not been distributed as an official document of the most recent session of the Commission on Human Rights was thus not an encouraging sign.

6. It was also noteworthy that many delegations to the Commission on Human Rights had welcomed the thematic approach adopted by the Committee in its General Guidelines regarding the Form and Content of the Initial Reports to be Submitted by States Parties (CRC/C/5). Similarly, the World Conference on Human Rights had called on States to integrate the Convention on the Rights of the Child into their national action plans and was of the opinion that the global approach adopted by the Committee to national plans should be encouraged. The system for implementing the Convention should also allow national machinery to be developed for coordinating policies, as well as encouraging and facilitating participation by the general public. Such a system could only work if information on the provisions and principles of the Convention, and the reports by States parties, were very widely disseminated so as to allow nationwide debate, in which all national institutions including legislative bodies and non-governmental organizations would take part.

7. The Committee's view that non-governmental organizations had a very important contribution to make in ensuring transparency when reports were submitted and in making a useful contribution to the discussions on thematic questions was shared by other treaty bodies, as was affirmed by the Vienna Statement on the International Human Rights Treaty Bodies and the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights. Thus the Meeting of Chairpersons and Members of International Human Rights Treaty Bodies had recommended that the Centre for Human Rights should establish an NGO Liaison Unit.

8. From its first session, the Committee had emphasized the importance of activities intended to disseminate information on the Convention and on its system of implementation, and in particular had stressed the need to translate the Convention into all languages and to allow the reports of States parties, the summary records and the concluding observations to be made available at national level. The same thinking was evident in resolutions adopted not only by the General Assembly (resolution 47/128), but also by the Commission on Human Rights (resolution 1993/49). Furthermore, both those resolutions

drew attention to the importance of producing audio-visual material on human rights. The World Conference on Human Rights had linked that issue to education on human rights. It had also called on "all States and institutions to include human rights ... as subjects in the curricula of all learning institutions in formal and non-formal settings" (para. 79). In the same context, the World Conference had proposed that consideration should be given to the proclamation of a United Nations decade for human rights education. Were such a measure to be approved by the General Assembly, it would provide a further opportunity for including the Convention on the Rights of the Child in school curricula.

9. The Committee had frequently drawn attention to the important part played by the programme of advisory services and technical assistance in implementing the Convention. Within the United Nations, that view had, for example, been shared by the Commission on Human Rights and the World Conference.

10. Furthermore, it was not surprising that the General Assembly and the Commission on Human Rights had once again appealed to States parties to the Convention that had made reservations to consider whether those reservations were compatible with the provision of article 51 of the Convention and the other relevant standards of international law. That was an issue of considerable concern, as had been pointed out by the Meeting of Chairpersons and Members of International Human Rights Treaty Bodies. The World Conference on Human Rights had urged States to withdraw reservations to the Convention on the Rights of the Child contrary to the object and purpose of the Convention or otherwise contrary to international treaty law.

11. With regard to the thematic issues considered by the Committee, it should be noted that they had acted as a catalyst, and had made possible the adoption of new measures and a growing awareness in the areas studied. One result had been the adoption by the Commission on Human Rights of four resolutions dealing with children in situations of armed conflict (resolutions 1993/83, 1993/78, 1993/79 and 1993/82). In that respect, the Commission had also encouraged States to consider raising the age of conscription to 18 years. In the case of the former Yugoslavia, following the recommendation adopted by the Committee, the Special Rapporteur had devoted one section of his report to the situation of children. The resolutions adopted on the subject by the Commission on Human Rights reflected the same approach, since specific reference to the Convention on the Rights of the Child had been made in resolutions 1993/7 and 8. Similarly, the World Conference on Human Rights had expressed its concern over human rights violations suffered by children in armed conflicts and called on the Committee on the Rights of the Child to study the question of raising the minimum age of recruitment into the armed forces (para. 50).

12. In addition, the decision by the Committee to devote one day to a general discussion on the protection of the child against economic exploitation had attracted considerable interest within the United Nations. In its resolution on human rights and extreme poverty, the Commission on Human Rights had encouraged the Committee on the Rights of the Child "to examine the situation

of children living in extreme poverty" (resolution 1993/13, para. 4). The Commission also invited the Committee on the Rights of the Child to study the possibility of bearing the Programme of Action for the Elimination of the Exploitation of Child Labour in mind "when considering reports submitted by States parties to the Convention on the Rights of the Child and, in general, in connection with all activities that it carries out in accordance with its mandate" (resolution 1993/79, para. 5). In the same context, the work of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/1993/67) and the resolution adopted by the Human Rights Committee on the plight of street children (1993/81), were of special interest to the Committee. In that area, mention should also be made of the recommendation by the Programme of Action for the Elimination of the Exploitation of Child Labour for the establishment of an international child welfare fund. The resources of the fund would be allocated to combat violations of the rights provided for in the Convention on the Rights of the Child, particularly the rights of children living in especially difficult circumstances or belonging to socially disadvantaged groups (resolution 1993/79. Annex, para. 33).

13. Lastly, mention should be made of some developments of special significance for the work of the Committee. New instruments had been adopted by the General Assembly: the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (47/135) and the Declaration on the Protection of All Persons from Enforced Disappearance (47/133). In addition, the Commission on Human Rights had considered the question of indicators in the realization of economic, social and cultural rights (resolution 1993/14) and had recognized "the importance of using indicators as a means of measuring or assessing progress in the realization of human rights", stressing "the need for ensuring the collection of appropriately disaggregated data" (ibid., para. 9). The Commission had also requested "the Secretary-General to prepare basic policy guidelines on structural adjustment and economic, social and cultural rights, which could serve as a basis for a continued dialogue between human rights bodies and the international financial institutions" (ibid., para. 19). Lastly the Commission on Human Rights had decided to defer to 1994 the meeting of experts on the application of international standards concerning the human rights of detained juveniles and had expressed the wish that the Committee on the Rights of the Child should be represented at the meeting (resolution 1993/80).

14. Mr. KOLOSOV thanked Mrs. Santos Pais for her brilliant and comprehensive statement and proposed that the Committee should take three specific measures. First, the Committee might follow the example of the Commission on Human Rights in its resolution 1993/23, with regard to international human rights instruments, and request the new States that had emerged as a result of the dissolution of other States to confirm to the appropriate depositories that they continued to be bound by the obligations entered into by the predecessor States under the Convention on the Rights of the Child. Second, in the context of the urgent action procedure, the Committee might request States parties which were affected by armed conflicts, international or otherwise, to inform it about the situation of children and about the measures taken

to protect them. Finally, the Committee might send a letter to the other United Nations human rights treaty monitoring bodies requesting them, on the one hand, to put a certain number of questions about children to the delegations from States parties when they submitted their respective reports, and, on the other hand, to transmit those answers to it.

15. Mr. HAMMARBERG thanked Mrs. Santos Pais for her statement which would certainly be most useful to all the participants. He went on to say that the Committee should proceed to consider the question of its relations with United Nations specialized agencies and bodies in the following year. It would be helpful if the secretariat could inform the Committee of the resources that would be available to it.

16. He believed that the Committee should not be overly insistent that the new States should undertake to discharge the obligations entered into by predecessor States. It would be advisable to reflect about the best way of dealing with that issue with other agencies, particularly UNICEF.

17. As for the situation of children in countries in which armed conflicts were occurring, some 30 in all, it should be stressed that in the case of civil war many belligerents were not bound by the Convention. There again, some thought should be given to the most effective way of acting.

18. Turning to requests for information addressed to the other human rights treaty bodies, he said that he would prefer the Committee to opt in favour of a less bureaucratic arrangement than exchanges of letters. It would be better to stress relationships of trust and personal contacts. Members of the Committee could, as they had already done, attend the sessions of some of those bodies and thus exchange information with their colleagues in an informal manner. Finally, he said that the proposal by Mr. Alston, the Chairperson of the Committee on Economic, Social and Cultural Rights to merge all the human rights treaty monitoring committees into a single body was premature.

19. Mrs. SANTOS PAIS considered that the Committee should study the proposals recently put forward by Mr. Kolosov and ascertain their consequences on its activities and methods of work. However, with regard to the succession of States, fortunately, most new States tended to assume the obligations entered into by predecessor States. Should the Committee, like the Human Rights Committee, not consider such an attitude to be self-evident?

20. To entrust a single body with the responsibility for monitoring all human rights instruments, as had been proposed, might be more efficient and less costly. However, the specificity of the Committee on the Rights of the Child should be underscored, together with the unique role it played in defending the cause of children, even though other Committees assisted in that task.

21. Cooperation with the other treaty bodies could be consolidated by organizing joint meetings. Each committee might also assign some of its members responsibility for liaison with the other human rights committees and bodies. Members of the Committee on the Rights of the Child could also take part in the work of the Commission on Human Rights or that of the Sub-Commission. It was, for instance, absurd that the Sub-Commission Working

Group on Contemporary Forms of Slavery had not once mentioned the Committee's work on the question of child soldiers. Such a failure in respect of coordination would never have occurred if there had been a secretariat unit responsible for the question of children.

22. The Committee would also have to decide how it was to be represented at a number of activities such as the seminar on detained juveniles, the ILO Conference, the Fourth World Conference on Women and the World Summit for Social Development. Obviously, the Committee's capacity for action would depend on the resources allocated to it.

23. Mgr. BAMBAREN GASTELUMENDI thanked Mrs. Santos Pais for her very interesting statement and asked whether there was any new information on the traffic in organs. With regard to the exploitation of children, the Committee should provide technical assistance to countries which requested it, in collaboration with non-governmental organizations and other United Nations bodies.

24. Miss MASON congratulated Mrs. Santos Pais on her very comprehensive statement to the Committee. She would like the Committee to study the question of the compatibility of the reservations entered by States parties with international law in general and with article 51 of the Convention in particular. The Committee should also study the discrimination suffered by young boys in countries at war. Finally, she was not in favour of the proposed establishment of a single body to monitor all the human rights instruments. She considered that because of their nature, the rights of the child must be considered by a specific body.

25. Mrs. EUFEMIO thanked Mrs. Santos Pais for the very detailed statement which she had made to the Committee and endorsed the view that the protection of the rights of the child should continue to be assured by the Committee rather than by a single body which would monitor compliance with all human rights.

26. She went on to inform the members of the Committee about the activities of the Committee on the Elimination of Discrimination against Women (see document A/48/38) with particular reference to the World Summit for Social Development and the Fourth World Conference on Women. She would like to know how the Committee on the Rights of the Child intended to participate in those events. The Committee on the Elimination of Discrimination against Women had applied to the International Court of Justice for an advisory opinion on the reservations entered by States parties. What was the position of the Committee on the Rights of the Child on that issue? The Committee on the Elimination of Discrimination against Women had decided that States parties should have the possibility of submitting a revised or updated version of the report or reports which they had already submitted if the situation in their country had evolved to the extent of justifying the replacement of the report or reports at the time of their consideration by the Committee. Did the Committee on the Rights of the Child wish to follow that example?

27. In the context of the International Year of the Family, she would like the Committee to give some thought to the place of children in the new types of emerging family, including single parent families.

28. Finally, she would like to know how the Centre for Human Rights and UNICEF were planning to help the Committee on the Rights of the Child to discharge its task and how the Committee on the Rights of the Child intended to participate in coordinating the work of international organs and regional bodies responsible for human rights.

The meeting rose at 1.05 p.m.